



Immigration Amendment Regulations (No 2) 2001

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 21st day of May 2001

Present:

The Hon Jim Anderton presiding in Council

Pursuant to section 150 of the Immigration Act 1987, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

- (1) These regulations are the Immigration Amendment Regulations (No 2) 2001.
- (2) In these regulations, the Immigration Regulations 1999¹ are called “the principal regulations”.

¹ SR 1999/284

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Applications generally

Regulation 3(1) of the principal regulations is amended by adding the words “(except as otherwise provided under regulation 3A)”.

4 Regulation inserted

The principal regulations are amended by inserting, after regulation 3, the following regulation:

“3A Applications made otherwise than on approved form

“(1) Despite regulation 3,—

“(a) a person may request an immigration officer or a visa officer to consider an application for a visa or a permit made otherwise than on an approved form; and

“(b) the immigration officer or visa officer may if he or she thinks fit agree to the request.

“(2) If the visa officer or immigration officer agrees to the request, regulations 3 to 17 do not apply, and the application for the visa or permit is to be made by the applicant supplying, by any appropriate means, the following information:

“(a) the applicant’s name:

“(b) the applicant’s date of birth:

“(c) details of the applicant’s passport or other travel document, including country of citizenship:

“(d) details of any current or previous visa or permit (if any) held by the applicant:

“(e) details of the type of visa or permit applied for:

“(f) where required, details of funds for maintenance while in New Zealand or details of sponsorship:

“(g) where required, details of travel tickets or evidence of onward travel arrangements from New Zealand:

“(h) such other information as the applicant considers demonstrates that the applicant should be granted the visa or permit applied for.

“(3) An application under subclause (2) must be completed by the applicant—

- “(a) acknowledging that the details supplied in support of the application are true and correct to the best of the applicant’s knowledge; and
 - “(b) agreeing that if the applicant’s circumstances change before any visa or permit is issued or granted the applicant will notify a visa officer or immigration officer of that change in circumstances; and
 - “(c) paying the prescribed fee (if any) for the type of visa or permit applied for, or arranging for its payment in a manner satisfactory to the visa officer or immigration officer.
- “(4) The visa officer or immigration officer processing the application may, before determining the application, require the applicant to—
- “(a) supply any information or evidence that the officer thinks necessary to help in determining the application (including supply by way of the physical production of documents):
 - “(b) undergo a medical examination if necessary:
 - “(c) appear before an immigration officer for an interview.
- “(5) Without limiting the means by which communication or information for the purposes of this regulation may be made or supplied, an applicant or visa officer or immigration officer may communicate or supply information by writing, by telephone, by facsimile, by electronic means, or in person.
- “(6) Except as provided in regulation 20 (which relates to applications involving family members), an application under this regulation must relate to 1 person only.
- “(7) A person may make a request or an application for a visa or permit under this regulation on behalf of any other person, in which case the references in this regulation to an applicant are, where appropriate, to be read as references to the applicant’s agent.
- “(8) Despite a request under subclause (1) being agreed to, a visa officer or immigration officer may, at any time before a visa or permit is issued or granted, refuse to consider the application and direct that if the person to whom the application relates wishes to pursue an application for a visa or permit, they must complete an approved form. Where this happens,—

- “(a) the application under this regulation is to be treated as not having been made; and
- “(b) this regulation no longer applies, and regulations 3 to 17 then apply to any application for a visa or permit by that person; and
- “(c) any application fee paid must be refunded or applied towards an application by the person for a visa or permit made on an approved form.”

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on the 28th day after the date of their publication in the *Gazette*, amend the Immigration Regulations 1999 to allow for applications for visas and permits to be made otherwise than on an approved form. For example, it may be possible in appropriate cases for applications to be made in person or by telephone, fax, or electronic means.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 24 May 2001.
These regulations are administered in the Department of Labour.
